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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

*Rice v. Abbott Laboratories, et al.*, N.D.  
Cal. Case No. C 02-3925 MJJ

*Thompson v. Abbott Laboratories, et al.*,  
N.D. Cal. Case No. C 02-4450 MJJ

MDL 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' MOTION TO RECONSIDER ORDER DISMISSING ACTIONS**

Plaintiffs John Rice ("Rice") and Constance Thompson ("Thompson") respectfully submit this joint Motion to Reconsider the Court's order of April 16, 2003 granting Defendant Fujisawa USA, Inc.'s motion to dismiss without prejudice for failure to serve process. Rice and Thompson respectfully request that the Court vacate the order and consider the opposition submitted by Rice and Thompson on April 18, 2003. This motion is based on the following Memorandum of Law and Supporting Declaration of Robert D. Sanford.

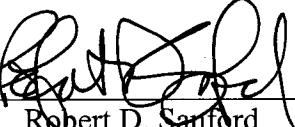
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Respectfully submitted,

MOSCONE, EMBLIDGE & QUADRA LLP

DATED: April 28, 2003

By

  
Robert D. Sanford

Attorneys for Plaintiffs John Rice and  
Constance Thompson

**CERTIFICATE OF SERVICE**

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Plaintiffs' Motion to Reconsider Order Dismissing Actions, Memorandum of Law in Support of Motion to Reconsider Order Dismissing Actions, and Declaration of Robert D. Sanford in Support of Motion to Reconsider Order Dismissing Actions to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2.

By:

  
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